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16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA

18 SAN FRANCISCO DIVISION

19  
20 AMERICAN CIVIL LIBERTIES UNION OF  
21 NORTHERN CALIFORNIA and  
22 LAWYERS' COMMITTEE FOR CIVIL  
RIGHTS OF THE SAN FRANCISCO BAY  
AREA,

23 Plaintiffs,

24 v.

25 U.S. DEPARTMENT OF HOMELAND  
26 SECURITY,

27 Defendant.  
28

Case No.

**EXHIBIT A – PART 1 OF 2 TO  
COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF**

Freedom of Information Act, 5 U.S.C. §  
552

# EXHIBIT A



March 6, 2007

**VIA FEDERAL EXPRESS**

FOIA Office  
U.S. Immigration and Customs Enforcement  
800 North Capitol St., NW  
5th Floor, Suite 585  
Washington, DC 20536

Re: Freedom of Information Act Request  
Expedited Processing Requested

Attention:

This is a request for records, made pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 522, implementing regulations 8 C.F.R. § 103.10 and 6 C.F.R. § 5, and any other applicable regulations.

**I. REQUEST FOR INFORMATION**

The American Civil Liberties Union of Northern California, the San Francisco Bay Guardian, and the Lawyers' Committee for Civil Rights of the San Francisco Bay Area hereby request disclosure of all records in your possession relating to civil immigration enforcement actions conducted by U.S. Immigration Customs and Enforcement ("ICE") since May 2006 (the "designated time period") in Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Cruz, San Benito, San Francisco, Santa Clara, Solano, Sonoma, Fresno, and Tulare Counties (the "designated locations"), including any actions undertaken as part of "Operation Return to Sender."<sup>1</sup>

<sup>1</sup> The term "records" as used herein includes all records or communications preserved in written or electronic form, including but not limited to: correspondence, documents, data, videotapes, audio tapes, emails, faxes, files, guidance, guidelines, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, training manuals, other manuals, or studies. With respect to privacy concerns for members of the public, we will accept copies that are redacted to protect identifying information such as names, social security numbers, and alien numbers, but we would object to the redaction of birthdates and birthplaces that would interfere with our ability to determine the ages and countries of origin for members of the public. In addition, we request that members of the public whose identifying information is redacted be identified with an alphanumeric code so that

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In particular, we request disclosure of records containing the following information:

- 1) Policies and Procedures for Civil Immigration Enforcement: Any and all policies, procedures, guidelines, memoranda, instructions, protocols, training materials or other documents setting forth policies and procedures related to the planning and/or implementation of Operation Return to Sender, and any other civil immigration enforcement actions, including raids, patrols, sweeps, and other contact with the members of the public for the purpose of enforcing civil immigration law in the designated locations and time period.
- 2) Factual Bases for Enforcement: Any and all records referring or relating to information about the factual bases for enforcement activity, including bases for determining who would be sought for questioning and where, and including the dates, sources, and substance of any tips, intelligence, investigations, surveillance, or other factual or demographic analyses made or used in preparation for the civil immigration enforcement actions that are the subject of this FOIA request.
- 3) Targets of Enforcement Effort: Any and all records referring or relating to categories, descriptions, or classifications of aliens targeted by "Operation Return to Sender" and/or the civil immigration enforcement actions which took place in the designated locations and time period, including but not limited to any lists of "fugitives" sought, information regarding their whereabouts that was or was not used to direct the enforcement action, and the success of the enforcement actions with respect to the targeted aliens in each designated category.
- 4) Methods: Any and all records indicating what methods of law enforcement were used by ICE during the operations, including but not limited to pedestrian stops, vehicle stops, stops based on reasonable suspicion, stops based on consent, searches authorized by court warrants, searches based on consent, actions in conjunction or cooperation with other law enforcement agencies; the locations, times and dates on which such methods were used; and the names of other law enforcement agencies involved.
- 5) Local Law Enforcement Coordination: Any and all communications, including but not limited to correspondence, memoranda, email messages, memos, telephone messages, logs, and written notes of phone conversations, between any representative of ICE and any representative of any local government agency, including but not limited to any local law enforcement agency, in whose jurisdiction

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multiple records related to the same individual will be recognized as such. This redaction agreement does not apply to identifying information such as names and badge numbers for federal agents.

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ICE conducted civil immigration enforcement actions within the designated locations and time period.

- 6) Costs of Operation: Any and all budgets and financial records referring or relating to the projected and actual cost of "Operation Return to Sender" and/or particular civil immigration enforcement actions in the designated locations and time period, disaggregated by county.
- 7) Aggregate Data: We seek the following aggregate data, disaggregated by date and location:
- a) The number of persons contacted;<sup>2</sup>
  - b) The number of persons arrested;
  - c) The number of arrested persons subsequently released;
  - d) The number of arrested persons subsequently placed in removal proceedings;
  - e) The number of arrested persons for whom there were outstanding orders of removal at the time of their arrest;
  - f) The number of arrested persons for whom there were arrest warrants at the time of their arrest.
  - g) The number of persons contacted in private residences;
  - h) The number of persons contacted on public streets;
  - i) The number of persons contacted in vehicles;
  - j) The number of persons contacted in schools;
  - k) The number of persons contacted at places of business;
  - l) The number of persons contacted within two blocks of a school, and the times at which contact occurred;
  - m) The number of residences entered; and
  - n) The number of residences entered pursuant to a search warrant.
- 8) Records Related to Certain Practices: Any and all documents related or referring to the policies, official practices, or actual conduct of ICE agents in the designated locations and time period with respect to:
- a) Seeking and obtaining arrest and search warrants;
  - b) Presenting or not presenting a warrant upon request and/or upon seeking entry to a residence pursuant to a warrant;
  - c) Obtaining consent to enter residences or workplaces;
  - d) Entering residences or workplaces without a warrant or consent;
  - e) Contacting residents in or seeking to enter into residences based on warrants issued for adjacent or nearby residences;
  - f) Identifying or misidentifying themselves as "police," as officers of a local police agency, as ICE agents, or in any other manner;

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<sup>2</sup> "Contact," as used herein, encompasses consensual encounters, questioning of persons stopped by officers, and questioning of persons in custody.

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- g) Contacting members of the public based on their presence in an area where persons with outstanding deportation orders are suspected to reside or work;
  - h) Contacting members of the public based on their apparent national origin;
  - i) The use of ethnic, racial, or language characteristics, or other factors relating to perceived national origin to select members of the public for contact;
  - j) Any other criteria or factors used to select members of the public for contact;
  - k) Making contact with persons on public streets or in or around bus stops, BART stations, shopping areas, health clinics, community services offices, government offices, or public schools;
  - l) Questioning minors about the immigration status of their parents;
  - m) Any action or inaction with respect to children whose parents are being arrested;
  - n) Responding to statements by members of the public that they do not wish to answer questions or consent to an interrogation or entry into their home;
  - o) Contacting local law enforcement agencies prior to conducting civil immigration enforcement actions in their jurisdictions; and
  - p) Seeking assistance from local law enforcement agencies in conjunction with civil immigration enforcement actions.
- 9) Training Materials and Information: Any and all records referring or relating to training for ICE agents regarding policies, procedures, law enforcement methods, and other restrictions on the conduct of ICE agents in the course of civil immigration enforcement actions including but not limited to any training materials, outlines, instructions or other documents used or provided to agents; and records showing the names and titles of participants and trainers, dates, hours, and locations of trainings; and any evaluations or related material. For purposes of this paragraph, we request responsive documents created or maintained from May 2001 to the present.
- 10) Records of Particular Enforcement Actions: Any and all records of civil immigration enforcement operations in the designated locations and time period including but not limited to records referring or relating to:
- a) Information about the basis for choosing the locations of enforcement;
  - b) Contacts with members of the public or persons in their homes;
  - c) Dates, times, and locations of enforcement efforts;
  - d) Whether such operations are still ongoing;
  - e) Numbers of immigration enforcement officials involved in each operation or effort;
  - f) Name, title, rank and assignment of immigration enforcement officers involved;
  - g) Daily unit assignment logs (Forms G-481) for each involved unit;
  - h) Daily logs for each involved officer for each day on which enforcement actions were conducted in the designated locations and time period; and

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- i) Other records created or maintained by involved officers about the enforcement actions and associated investigations, including incident reports, arrest reports, memoranda, notes and logs.
- 11) Number of Persons Contacted or Arrested: With respect to persons with whom ICE agents had contact in furtherance of civil immigration enforcement in the designated locations and time period, any and all records referring or relating to:
- a) The number of persons contacted;
  - b) The number of persons traveling on foot who were contacted;
  - c) The number of persons traveling by vehicle who were contacted;
  - d) The number of persons arrested; and
  - e) The number of persons against whom removal proceedings were initiated, and copies of their Notices to Appear.
- 12) Records of Individual Contacts and Arrests: For each of the persons referenced in your response to paragraph (6) above, any and all records (broken down by subcategories of paragraph (6)) referring or relating to:
- a) His or her race and/or ethnicity;
  - b) Location, date, time, and duration of questioning;
  - c) Names, titles, and ranks of all law enforcement officers who had or witnessed ICE contact with the person;
  - d) Basis for questioning the person;
  - e) His or her country of citizenship and/or birth.
  - f) His or her visa status under U.S. immigration law.
  - g) Information received from the person;
  - h) Any papers requested from and/or shown by the person contacted;
  - i) Whether, when, and how officers identified themselves and what they gave as their justification for questioning or arrest;
  - j) The criminal or immigration charges filed against him or her, if applicable;
  - k) The location, dates, and duration of his or her detention and release, if applicable;
  - l) The date of his or her removal from the U.S., if applicable;
  - m) Any accompanying family members, and any action or inaction taken by ICE agents toward them;
  - n) Any action or inaction taken with respect to children of persons arrested;
  - o) Whether the arrest was pursuant to a warrant, and if so, the basis for the warrant;
  - p) Whether the person arrested was subject to an outstanding removal order;
  - q) Whether, how, and when, the person contacted or arrested was informed of his or her rights, including the right not to answer questions, allow officers to enter a residence without a warrant, or submit to a search; and
  - r) Any forms concerning the person or given to the person, including Form 213 (Record of Deportable/Inadmissible Alien) and Form 862 (Notice to Appear).

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- 13) Records of Residential Entry: For every residence entered, any and all records referring or relating to:
- a) The time, date, and location of the residence, and all people present;
  - b) The legal basis for entering the residence (i.e. a copy of the warrant, any and all records referring or relating to consent or other basis);
  - c) The reasons for entering the residence;
  - d) Procedures and results of any searches and questioning conducted;
  - e) Any persons contacted or arrested in that residence, including but not limited to records referring or relating to outstanding warrants or removal orders, and whether were they identified as targets prior to entering the residence;
  - f) Names, titles, and ranks of all law enforcement officers who witnessed or participated in the entry; and
  - g) Whether, when, and how officers identified themselves and their justification for entering.

## II. REQUEST FOR EXPEDITED PROCESSING

Title 5 U.S.C. § 552(a)(6)(E) provides for expedited processing of requests for information in cases in which the person requesting the records demonstrates a compelling need. By statute, for requests made by persons primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged Federal Government activity constitutes a "compelling need." § 552(a)(6)(E)(v)(II). The requesters of this information are primarily engaged in disseminating information. For reasons made clear below, there is urgency to inform the public concerning federal government activity in connection with ICE's enforcement action, which have been widely reported, have caused widespread anxiety, and have raised widespread concerns about federal government misconduct, including violations of the constitutional rights of local residents, both aliens and citizens.

Department of Homeland Security regulations require that requests be given expedited treatment whenever they involve an "urgency to inform the public about an actual or alleged federal government activity," if made by a person primarily engaged in disseminating information, or under circumstances which could reasonably be expected to pose an imminent threat to life or physical safety. 6 C.F.R. § 5.5(d). Department of Justice regulations further state that FOIA requests are entitled to expedited processing when the information requested involve "[t]he loss of substantial due process rights," 28 C.F.R. § 16.5(d)(1)(iii), or "[a] matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence." 28 C.F.R. § 16.5(d)(1)(iv).

### 1. *Requesters*

The American Civil Liberties Union of Northern California ("ACLU-NC") is an affiliate of the ACLU, a national organization that works to protect civil liberties of all



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people, including the safeguarding of the basic constitutional rights to privacy, free expression, and due process of law. The ACLU-NC is responsible for serving the population of northern California. The communications department of the ACLU-NC is the division of the ACLU-NC that is responsible for disseminating information to the public about issues of concern to the ACLU-NC and to the general public.

The San Francisco Bay Guardian ("Guardian") is the largest circulation newsweekly in northern California, with an audited weekly distribution of 150,000. The paper is locally owned, independent, and has been published continuously since 1966.

The Lawyers' Committee for Civil Rights of the San Francisco Bay Area is a civil rights and legal services organization devoted to advancing the rights of people of color, low-income individuals, immigrants and refugees, women, children and other underrepresented persons. The Lawyers' Committee has a profound interest in protecting the constitutional rights of noncitizens in this country and in educating noncitizens about their rights.

## 2. Background

According to news reports and ICE press releases, in May 2006, ICE initiated a massive nationwide enforcement action against illegal immigrants, referred to as "Operation Return to Sender." "ICE Apprehends More Than 2,100 Criminal Aliens, Gang Members, Fugitives And Other Immigration Violators In Nationwide Interior Enforcement Operation," *ICE News Release*, June 14, 2006; Kelly Pakula, "Eshoo Responds to Immigrants' Arrests," *San Mateo County Times*, Feb. 15, 2007; Sara Carter, "Marchers Will Protest Sweeps of Immigrants," *San Bernadino County Sun*, Jan. 25, 2007.<sup>3</sup> At least 13,000 people have been arrested nationwide. *Ibid*.

ICE raids and round-ups have been reported throughout northern California, including in Santa Cruz, San Benito, Contra Costa, Fresno, San Mateo, and San Francisco Counties. Jondi Gumz, "Immigration Raids Stun Community," *Santa Cruz Sentinel*, Sept. 9, 2006; Vanessa Hua, "Santa Cruz, San Benito Counties: 107 Arrested in Immigration Sweep," *San Francisco Chronicle*, Sept. 9, 2006; Roger Sideman, "Immigration Sweep Nets 107," *Santa Cruz Sentinel*, Sept. 10, 2006; Tyche Hendricks, "Feds Arrest 119 Illegal Immigrants in Contra Costa," *San Francisco Chronicle*, Jan. 23, 2007; Vanessa Colon, "Roundup of Illegals Shakes Up Mendota," *Fresno Bee*, Feb. 27, 2007; Michel Manekin & Kelly Pakula, "U.S. Immigration Sweeps Hitting Peninsula Area: Seven San Mateo County Residents Taken Into Federal Custody" *Daily Review*, Feb. 7, 2007; Tyche Hendricks, "Immigrant advocates blast raids, crackdown," *San Francisco Chronicle*, Feb. 22, 2007; Anna Werner, "Immigration Agents Conducting Raids in S.F.," *CBS 5 (KPIX-TV, San Francisco)*, Feb. 14, 2007. Similar actions have

<sup>3</sup> All of the news articles referenced in this request are attached as Appendix B with an index, in chronological order, for ease of reference.

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been reported in southern California, Texas, Colorado, Minnesota, Iowa, Nebraska, Utah, North Carolina, New York and Connecticut. "Southern California Immigration Raid Nets 761 Arrests," *Associated Press*, Jan. 23, 2007; Julia Preston, "Immigrants' Families figuring Out What to Do After Federal Raids," *New York Times*, Dec. 16, 2006; Jennifer Talhelm, "Senators Meet on Recent Immigration Raid," *Associated Press*, Jan. 22, 2007; Nina Bernstein, "Immigrants Go From Farms to Jails, And a Climate of Fear Settles In," *New York Times*, Dec. 24, 2006; Julia Preston, "Immigration Raid Draws Protest From Labor Officials," *New York Times*, Jan. 26, 2007; Sylvia Moreno, "Immigration Raid Leaves Texas Town a Skeleton," *Washington Post*, Feb. 9, 2007; Judy Keen, "Effects of Raid Still Felt in Iowa Town," *USA Today*, Feb. 12, 2007; CT Blogger, "U.S. Immigration and Customs Enforcement 'Operation Return to Sender' Program Hits Danbury," *HatCity Blog*, Sept. 19, 2006; Anna Gorman, "Immigrants Advised About Their Rights," *Los Angeles Times*, March 4, 2007; Melissa McRobbie, "Emotions Still Run High Weeks After Immigration Raids," *Palo Alto Daily News*, March 2, 2007.

ICE itself has issued numerous press releases about implementation of Operation Return to Sender. "163 Criminal Aliens, Fugitives and Other Immigration Violators Arrested by ICE, Collier County Sheriff's Office and Lee County Sheriff's Office, Feds Team Up With Locals to Make Record-Breaking Number of Arrests in Florida," *ICE News Release*, September 25, 2006; "New Jersey Operation Nets 111 Fugitive Alien and Other Immigration Status Violators, Arrests are Result of Operation Return to Sender," *ICE News Release*, October 19, 2006; "ICE Officers Arrest 16 Immigration Fugitives in Chicago Area During 4-Day 'Operation Return to Sender'," *ICE News Release*, October 20, 2006; "ICE Apprehends 21 Criminal Aliens, Fugitives and Other Immigration Violators, Arrests Result From 2-Day Initiative Called 'Operation Return to Sender'," *ICE News Release*, November 3, 2006; "New Jersey Operation Nets 137 Fugitive Aliens and Other Immigration Status Violators, Arrests are Result of Operation Return to Sender," *ICE News Release*, November 20, 2006; "ICE Officers Arrest 25 Fugitives and Immigration Violators in Sioux City and Omaha Areas During Weeklong 'Operation Return to Sender'," *ICE News Release*, November 22, 2006; "ICE Arrests 45 Fugitives and Immigration Violators in Albert Lea and Austin," *ICE News Release*, December 12, 2006; "Week-Long ICE Operation Targeting Criminal Aliens and Illegal Alien Fugitives in the Southland Nets Record Arrests, Subjects Include 2 Foreign Murder Suspects and More Than 150 Immigration Fugitives," *ICE News Release*, January 23, 2007; "ICE 'Operation Return to Sender' Yields 178 Arrests in South Florida, Arrests Part of the Department of Homeland Security's SBI Initiative," *ICE News Release*, February 7, 2007; "New Jersey Fugitive Teams Arrest 363 in Two-Month Operation, Return to Sender Enforces Order Issued by Immigration Judges," *ICE News Release*, March 1, 2007.

Numerous community groups, police representatives, and government officials have complained about illegal, intimidating, and disruptive tactics employed in the raids. The mayor of Richmond described the ICE raids as imposing a "state of terror" on her

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community, and stated her support for affected families. Delfin Vigil, "Officials Meet with Public Over Immigration Raids," *San Francisco Chronicle*, Jan. 29, 2007; Tom Lochner, "Fight Over Rights," *Contra Costa Times*, Jan. 29, 2007. Redwood City's Chief of Police and a City Council member also expressed support and concern. Michael Manekin, "Redwood City Holds Meeting to Ease Immigrants' Fears," *Inside Bay Area*, Feb. 9, 2007; Michael Manekin, "Officials Balk at Criticizing Sweeps," *Inside Bay Area*, Feb. 16, 2007. City Council Members in San Pablo and Richmond have complained that identification of ICE agents as police is undermining relations between immigrants and city police, making crime prevention and law enforcement more difficult. Tom Lochner, "Federal Agents Pose as Police to Make Busts: Immigration Authorities Misidentify Themselves to Gain Entry for Arrests," *Alameda Times Star*, Jan. 26, 2007; Vigil, *supra*, Jan. 29, 2007. The Mayor of San Francisco also expressed concern about the raid, saying, "These raids jeopardize the public health and safety of the city by instilling fear in those who may come forward to report information about a crime or those who are in need of medical treatment." Tyche Hendricks, "Immigrant Advocates Blast Raids, Crackdown," *San Francisco Chronicle*, Feb. 22, 2007. Community advocacy groups cited similar concerns, including the worry that the sweeps keep battered women from seeking police assistance. Michelle Durand, "ICE Raids Dubbed Harmful," *San Mateo Daily Journal*, Feb. 14, 2007.

On February 6, 2007, the Richmond City Council unanimously passed a resolution calling for a moratorium on ICE raids until Congress considers comprehensive immigration reform. City of Richmond Resolution No. 11-07; Anna Werner, "Richmond Calls For End to Feds' Immigration Raids," *CBS 5 (KPIX-TV, San Francisco)*, Feb. 7, 2006; John Geluardi, "Officials Try to Ease Residents' Concerns," *West County Times*, Feb. 8, 2007; John Geluardi, "Richmond Pledges to Keep Immigrants Feeling Safe," *Tri-Valley Herald*, Feb. 9, 2007. On February 27, 2006, the San Francisco Board of Supervisors passed a resolution condemning the raids.<sup>4</sup> Public officials in Mendota have been considering adopting a similar resolution opposing the raids. Colon, *supra*, Feb. 27, 2007. A coalition of advocacy groups also presented a resolution to the Redwood City Council and the San Mateo County Board of Supervisors declaring a safe haven for immigrants. Michael Manekin, "Coalition Wants County Declared Sanctuary for Illegal Immigrants," *Inside Bay Area*, Feb. 23, 2007.

United States Representative Anna Eshoo of Atherton sent a letter to ICE, questioning its practices. Pakula, *supra*, Feb. 15, 2007; Shaun Bishop, "Eshoo Mulls Raids," *Palo Alto Daily News*, Feb. 15, 2007. On March 1, 2007, Zoe Lofgren, United States Representative of the 16<sup>th</sup> District of California, wrote to Assistant Secretary Julie Myers, seeking information regarding ICE's implementation of Operation Return to Sender, including information about the execution of warrants and any provisions made for minor children of persons who are arrested.

<sup>4</sup> Where available, documents generated or produced by local, state or federal government entities or officials and cited herein have been attached, with an index, under Appendix A.

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The League of United Latin American Citizens filed a complaint with the Department of Homeland Security alleging illegal and inappropriate practices. Shirley Dang, "Latino Group Upset By Raids," *Contra Costa Times*, Jan. 22, 2007. In February, 2007, a group of Northern California legal and community service providers and law associations highlighted reports of abusive tactics in a letter to local lawmakers seeking their attention and intervention with ICE. Religious leaders have also spoken out against the sweeps. Tyche Hendricks, "Church Leaders Speak Out Against Immigration Sweeps," *San Francisco Chronicle*, Sept. 14, 2006; "Raids Shake Northern California," *Immigration News Briefs, Americas.org*, Sept. 16, 2006. Wetzal, *supra*, Jan. 27, 2007. Immigrant advocacy groups have organized rallies and community forums. Lochner, *supra*, Feb. 2, 2007; Carter, *supra*, Jan. 25, 2007.

School teachers and administrators have voiced complaints about the impacts of the raids and their timing on school attendance. "Immigration Sweep Angers School Officials," *NBC11* (KNTV-TV, San Jose), Jan. 19, 2007. Significant drop-offs in school attendance in affected Latino communities have been attributed to parents fearing to bring their children to school in light of the raids. Lochner, *supra*, Jan. 26, 2007; Kimberly Wetzal, "Immigration Push has Latinos Wary," *Contra Costa Times*, Jan. 27, 2007; "Redwood City School Attendance Lower After Immigration Raids," *KCBS* (KCBS-AM 740, San Francisco), Feb. 7, 2007; Dana Yates, "Immigration Raids Put City on Edge," *San Mateo Daily Journal*, Feb. 7, 2007; Manekin & Pakula, *supra*, Feb. 7, 2007; Geluardi, *supra*, Feb. 7, 2007; Tom Lochner, "Arrests Cast Pall Over Immigrants," *Contra Costa Times*, Feb. 2, 2007.

These enforcement activities and their impact on communities have commanded and continue to command much media attention. Some of the abusive practices and other concerns that have been alleged, and reported upon in the media include:

**Misuse of Warrants:** It has been reported that ICE agents have used the pretext of a search or arrest warrant in order to enter a home that is not associated with the person or address on the warrant, other than being in the same neighborhood or apartment building. Dang, *supra*, Jan. 22, 2007; *Associated Press*, *supra*, Jan. 23, 2007; Eric Ruder, "Feds' Raids Spread Fear Among Immigrants," *Socialist Worker Online*, Sept. 22, 2006 Vigil, *supra*, Jan. 29, 2007; Colon, *supra*, Feb. 27, 2007 Lochner, *supra*, Jan. 26, 2007; Wetzal, *supra*, Jan. 27, 2007. In one case, a 17-year-old legal resident high school student was arrested and held by agents looking for someone else; she was subsequently released. Lochner, *supra*, Jan. 26, 2007.

**Illegal Entries and Searches:** ICE agents are alleged to have threatened residents, forced their way into homes, and misused warrants, in order to gain entry to residences without valid warrants or consent, leading to interrogations, searches and arrests which violate the 4<sup>th</sup> Amendment rights of residents. Agents are alleged to have opened doors and entered without knocking or seeking permission to enter, and in some cases, to have broken doors or windows. David DeBolt, "Immigrants in Richmond

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Live in Fear of Deportation: Residents Complaining of Rights Violations Gain Local Officials' Support," *Oakland Tribune*, Feb. 3, 2007; Vigil, *supra*, Jan. 29, 2007.

**Misidentification as Members of Local Police Forces:** ICE agents are alleged to have identified themselves as members of the Concord or San Pablo police departments, or simply as "police." Local law enforcement agencies have voiced concerns that these practices have led to a breakdown of trust between local police agencies and immigrant communities. Karl Fischer, "City Addresses ICE Raids," *Contra Costa Times*, Feb. 22, 2007; Hendricks, *supra*, Jan. 23, 2007; Lochner, *supra*, Jan. 26, 2007; Vigil, *supra*, Jan. 29, 2007; Pakula, *supra*, Feb. 15, 1007.

**Inappropriate Methods Related to Children:** ICE agents are alleged to have conducted round-ups near schools, as parents dropped off their children. There have been numerous reports of significant declines in school attendance in affected areas, apparently due to fear instilled in parents. Children were reported to be traumatized, and worried that their parents would be taken away and not return to pick them up. Yates, *supra*, Feb. 7, 2007; "Immigration Sweeps," *supra* Jan. 19, 2007; Melissa McRobbie, "City Seeks Calm After Raids on Immigrants," *San Mateo Daily News*, Feb. 27, 2007; "Redwood City School Attendance Lower," *supra*, Feb. 7, 2007. Children were reported to be afraid to go to school, and afraid that their parents would not come home. Geluardi, *supra*, Feb. 7, 2007. School-children have reportedly come home at the end of the day, to find that their family had been deported. In Santa Cruz, a 13-year-old girl was reportedly left with her 19-year-old sister, when ICE agents arrested their parents at 5:00 a.m. "Students Face Tough Choices After Immigration Raids," Anna Werner, CBS 5 (KCBS-AM, San Francisco), Feb. 10, 2007; Yates, *supra*, Feb. 7, 2007; *Hat City Blog*, Sept. 19, 2006. In one case a mother was reported seized and deported while her 18-month-old daughter went into convulsions, requiring hospitalization; the child and six siblings were left in the care of their father, who works two jobs. "Raids Shake Northern California," *supra*, Sept. 16, 2006.

**Ethnic Profiling:** ICE agents are alleged to have targeted people without any basis for suspicion, based solely on their ethnic appearance. Kimberly Wetzel, "Immigration Sweeps a Reign of Terror": Latinos Unfairly Targeted for Deportation by Federal Efforts, Advocate Groups Say," *Oakland Tribune*, Jan. 29, 2007; Wetzel, *supra*, Jan. 27, 2007.

**Violations of Due Process:** Many arrestees have been rapidly deported, often within 24 hours, without a chance to appear before a judge. In some cases it is likely that special circumstances, including a sick infant left behind, would have led a judge to grant a stay of deportation, if the arrestee had been given a chance to appear in court. Ruder, *supra*, Sept. 22, 2006; "Raids Shake Northern California," *supra*, Sept. 16, 2006. Hendricks, *supra*, Sept. 14, 2006; Hua, *supra*, Sept. 9, 2006; Gumz, Sept. 9, 2006. Arrestees, and other people questioned have been pressured into signing forms that



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they did not understand, including forms with pre-checked boxes indicating that they did not want an attorney. *Lochner, supra*, Jan. 26, 2007.

**Abusive Treatment.** ICE agents allegedly threw a decorated U.S. Marine to the ground, injuring him, when he could not produce a green card. *Geluardi, supra*, Feb. 7, 2007. In a residence that agents entered without permission or warrant, an entire family, including children, and a visiting friend, were made to lie down on the floor without reason during a search of the premises. This included a grandfather, who was wearing only his underwear. *DeBolt, supra*, Feb. 3, 2007.

Extensive news coverage of the foregoing events, the widespread concern expressed by many citizens and elected officials, and the seriousness of the allegations made against federal government actors, make clear that there is an urgent need to inform the public of the truth surrounding these allegations. 6 C.F.R. § 5.5(d)(i). Reports of abusive tactics, or the tactics themselves, have had a serious impact on pupil attendance in public schools in the affected areas and have undermined public safety by driving a wedge between local law enforcement agencies and immigrant communities. The public has an urgent need to know if the alleged abuses are in fact taking place. If the reports are true, that disclosure will likely lead to a reform of ICE's practices. If untrue, community members may feel safer to participate in society—by sending their children to school and making use of essential health and public safety services. In order for the public, including elected officials, civil rights organizations, and members of impacted communities, to chart a course for a positive and reasonable response, they must have the facts.

Information concerning the characteristics of persons targeted by recent enforcement actions is of urgent concern to the public because of the current public debate about comprehensive immigration reform. On February 27, 2007, the U.S. Congress began its first hearings of the year on the topic of immigration reform, a topic that led to historic immigrant marches in 2005. Jerry Kammer, "Congress Marks Opening Day on Immigration Policy," *San Diego Union-Tribune*, Feb. 27, 2007; Nicole Gaouette, "White House Pushes Immigration Overhaul," *Los Angeles Times*, Feb. 28, 2007; Rick Klein, "Kennedy, McCain Try Again on Immigration, Bill Would Keep Fence, But Ease Way to Citizenship," *The Boston Globe*, Feb. 28, 2007; Ryan Brinks, "The Problems of Immigration Policy – and a Call For a Fix," *Times-Republican*, Mar. 5, 2007; Mike Madden, "Congress to Restart Debate on Migrant Reform, Lawmakers Working Out Details on Measures," *azcentral.com*, March 1, 2007. Recent opinion pieces and news articles have linked civil immigration enforcement and calls for immigration reform. "U.S. Needs Humane Immigration Policy Now," *Contra Costa Times*, Mar. 4, 2007; Sue Ontiveros, "Immigration Reform Fight Not Going Away," *Chicago Sun-Times*, March 3, 2007.

In his State of the Union address, President Bush included finding a rational solution for the approximately 12 million undocumented immigrants present in the

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United States as one of his primary issues for immigration reform. According to the White House website, the President believes, "It is neither wise nor realistic to round up and deport millions of illegal immigrants in the United States."  
<http://www.whitehouse.gov/infocus/immigration/> (last visited March 4, 2007). In this context, expedited processing is necessary to allow the public to evaluate the extent to which current enforcement efforts are sweeping in otherwise lawful residents, with technical immigration violations, as opposed to "fugitive" foreign nationals with criminal records. Given the immediacy of the policy debate taking place, expedited processing is necessary for the public to be in a position to contact lawmakers before comprehensive immigration reform comes to a vote.

Other aspects of the policy debate that lend urgency to the public's need for the requested information are 1) the very real chilling effect ICE raids have on the political participation of immigrant community members, and 2) the political speculation that the current enforcement effort may be politically motivated to move anti-immigrant lawmakers and groups in preparation for debate around comprehensive immigration reform. "ICE Raids a Bit To Chill Immigrant Organizing," *Freedom Socialist*, Vol. 28, No. 1, Feb-March 2007; Chuck Plunkett and Ann C. Mulkern, "Raids Point to Call for Reform," *Denver Post*, Jan. 3, 2007. In 2005, immigrants marched in record numbers in response to legislative proposals that would have required strict enforcement against all undocumented residents. Immigrants have First Amendment rights to engage in political discourse in the United States and the public as a whole benefits from the stories and perspectives shared by people whose futures are at stake in a legislative debate. Without expedited processing, and either the change in practices or illumination that the alleged abuses are not in fact taking place, immigrants of all varieties of legal status will be less comfortable coming forward and participating in the discussion. In addition, uncovering the truth about the tactics being employed and immigrants being targeted for enforcement action may undermine or confirm that the enforcement effort has some other political object.

Finally, and most importantly, many of the reports cited above indicate that if the raids continue as they have been, without the benefit of public disclosure of abusive policies and practices, they may result in the summary deportation of persons who might have compelling reasons to seek stays of deportation or seek asylum and injuries to victims of the abusive practices, including children whose parents are arrested. For these reasons, expedited processing is proper under 6 C.F.R. § 5.5(d).

### III. REQUEST FOR WAIVER OF PROCESSING FEES UNDER FREEDOM OF INFORMATION ACT BY REPRESENTATIVES OF THE NEWS MEDIA.

The ACLU-NC's communications department and the Guardian are "representatives[s] of the news media." Fees associated with the processing of this request should therefore be "limited to reasonable standard charges for document duplication." 5 U.S.C. § 552(a)(4)(A)(ii)(II).

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The ACLU-NC's communications department publishes newsletters, news briefings, right-to-know documents, and other materials that are disseminated to the public. Its material is widely available to everyone, including tax-exempt organizations, not-for-profit groups, law students and faculty, for no cost or for a nominal fee. The ACLU-NC's communications department also disseminates information through a website, <<http://www.aclunc.org>>. The website addresses civil liberties issues in depth, provides features on civil liberties issues in the news, and contains numerous documents that relate to the issues on which the ACLU-NC is focused. Finally, the ACLU-NC's communications department disseminates information through a newsletter, which is distributed to subscribers by mail.

As noted above, the Guardian is the largest circulation newsweekly in northern California, with audited weekly distribution of 150,000 copies. The paper is locally owned, independent, and has been continuously published since 1966. The paper covers breaking news, does detailed investigative reporting, publishes editorials and covers arts, entertainment, and lifestyle issues. The Guardian has received more than 100 state, local and national awards for journalistic excellence. The Guardian is a member of the California Newspaper Publishers Association and the Association of Alternative Newsweeklies.

The records requested are not sought for commercial use. The ACLU-NC and the Guardian plan to use the channels described above to disseminate the information disclosed as a result of this FOIA request.

**IV. REQUEST FOR WAIVER OF PROCESSING FEES UNDER FREEDOM OF INFORMATION ACT BECAUSE DISCLOSURE OF THE REQUESTED INFORMATION IS IN THE PUBLIC INTEREST.**

The ACLU-NC's communications department, the Guardian, and the Lawyers' Committee for Civil Rights of the San Francisco Bay Area request a fee waiver for duplication costs pursuant to 5 U.S.C. § 552(a)(4)(ii)(II)-(iii). Disclosure of the requested information is in the public interest. It will further public understanding of government conduct, in particular possible instances of racial profiling, violations of persons' rights to be free of unreasonable searches and seizures, misrepresentations and abuses of authority by law enforcement officers, and violations of due process.

The ACLU-NC's communications department is a division of a nonprofit 501(c)(3) organization, and both the ACLU-NC's communications department and the Guardian are "representative[s] of the news media." The Lawyers' Committee for Civil Rights of the San Francisco Bay Area is also a nonprofit 501(c)(3) organization. They are well situated to disseminate information gained through this request to the public, to affected communities, to organizations that protect immigrants' rights, and to political and religious organizations.



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If the fee waivers are denied, the requesters are prepared to pay fees up to \$25, and request to be informed of further fees that may be charged, but reserve the right to appeal a denial of fee waivers.

If this request for information is denied in whole or in part, we ask that you justify all deletions by reference to specific provisions of the Freedom of Information Act. We expect you to release all segregable portions of otherwise exempt material. We reserve the right to appeal a decision to withhold any information.

Thank you for your prompt attention to this matter. Please furnish all applicable records to Julia Harumi Mass, American Civil Liberties Union of Northern California, 39 Drumm Street, San Francisco, California 94111, telephone (415) 621-2493.

I affirm that the information provided supporting the request for expedited processing is true and correct to the best of my knowledge and belief.

Sincerely,



Julia Harumi Mass  
Staff Attorney  
American Civil Liberties Union of Northern California

Tim Redmond  
Executive Editor  
San Francisco Bay Guardian

Philip Hwang  
Staff Attorney  
Lawyers' Committee for Civil Rights of the San Francisco Bay Area

APPENDIX A

- 1) Resolution No. 11-07 – A Resolution of the Richmond City Council Reaffirming Its Support for Comprehensive Immigration Reform that is Fair, Just and Humane.
- 2) Resolution No. 070221 - Resolution condemning the Immigration and Customs Enforcement (ICE) Raids, opposing proposed guest worker programs and supporting legalization programs for immigrants.
- 3) Congressperson Zoe Lofgren's March 1, 2007 Letter to ICE.
- 4) President Bush's Plan For Comprehensive Immigration Reform, <http://www.whitehouse.gov/infocus/immigration>.
- 5) "ICE Apprehends More Than 2,100 Criminal Aliens, Gang Members, Fugitives And Other Immigration Violators In Nationwide Interior Enforcement Operation," *ICE News Release*, June 14, 2006.
- 6) "163 Criminal Aliens, Fugitives and Other Immigration Violators Arrested by ICE, Collier County Sheriff's Office and Lee County Sheriff's Office, Feds Team Up With Locals to Make Record-Breaking Number of Arrests in Florida," *ICE News Release*, September 25, 2006.
- 7) "New Jersey Operation Nets 111 Fugitive Alien and Other Immigration Status Violators, Arrests are Result of Operation Return to Sender," *ICE News Release*, October 19, 2006.
- 8) "ICE Officers Arrest 16 Immigration Fugitives in Chicago Area During 4-Day 'Operation Return to Sender'," *ICE News Release*, October 20, 2006.
- 9) "ICE Apprehends 21 Criminal Aliens, Fugitives and Other Immigration Violators, Arrests Result From 2-Day Initiative Called 'Operation Return to Sender'," *ICE News Release*, November 3, 2006.
- 10) "New Jersey Operation Nets 137 Fugitive Aliens and Other Immigration Status Violators, Arrests are Result of Operation Return to Sender," *ICE News Release*, November 20, 2006.
- 11) "ICE Officers Arrest 25 Fugitives and Immigration Violators in Sioux City and Omaha Areas During Weeklong 'Operation Return to Sender'," *ICE News Release*, November 22, 2006.
- 12) "ICE Arrests 45 Fugitives and Immigration Violators in Albert Lea and Austin," *ICE News Release*, December 12, 2006.
- 13) "Week-Long ICE Operation Targeting Criminal Aliens and Illegal Alien Fugitives in the Southland Nets Record Arrests, Subjects Include 2 Foreign Murder Suspects and More Than 150 Immigration Fugitives," *ICE News Release*, January 23, 2007.

- 14) "ICE 'Operation Return to Sender' Yields 178 Arrests in South Florida, Arrests Part of the Department of Homeland Security's SBI Initiative," *ICE News Release*, February 7, 2007.
- 15) "New Jersey Fugitive Teams Arrest 363 in Two-Month Operation, Return to Sender Enforces Order Issued by Immigration Judges," *ICE News Release*, March 1, 2007.

RESOLUTION NO. 11-07

**A RESOLUTION OF THE RICHMOND CITY COUNCIL REAFFIRMING ITS SUPPORT FOR COMPREHENSIVE IMMIGRATION REFORM THAT IS FAIR, JUST AND HUMANE**

---

WHEREAS, The City of Richmond welcomes and values all of its residents and supports them to live and work free from discrimination, hostility, abuse, violence, exploitation and fear of local, state and federal law enforcement; and

WHEREAS, one fourth of the residents of Richmond are persons who were born in foreign countries and who have come to the U.S. in search of better lives for themselves and their families; and

WHEREAS; National experts and policy makers agree our federal immigration policy is broken, inconsistent and in need of reform; and

WHEREAS; Most economists agree that immigrants and undocumented workers are good for the US economy and studies show that immigrants contribute \$25-30 billion more in taxes than they receive in services; and

WHEREAS; A crackdown on illegal immigration in 2004 caused a shortage of workers needed to bring in the agricultural crop in the Western United States which caused a \$1 billion dollar loss for the industry; and

WHEREAS, The City of Richmond in resolution 35-06 of April 18, 2006 called for a comprehensive immigration reform bill that is fair, just and humane; that recognizes all immigrants for their contributions to our economic and social life; and

WHEREAS The City of Richmond passed Ordinance 29-90 to affirms its desire to foster an atmosphere of trust and cooperation between the Richmond Police Department and all residents of the city of Richmond; and

WHEREAS, Immigration and Customs Enforcement (ICE) has acknowledged through press reports that its officers identify themselves as "police", which technically correct misleads the residents of Richmond, by suggesting they are Richmond Police Department officers investigating local crimes and undermines the trust built by the Richmond Police Department; and

WHEREAS, the community and church leaders have received also numerous complaints of people arrested at places of work and in public places, for which no warrants existed, creating a climate of fear among immigrant families; and

NOW, THEREFORE, BE IT RESOLVED that the US Department of Homeland Security and the US Immigration and Customs Enforcement be called upon to issue a moratorium on raids until the US Congress comes to an agreement on comprehensive immigration reform so that the debate can be carried out in good faith, rather than against a backdrop of fear, repression and intimidation; and

BE IT FURTHER RESOLVED that the City of Richmond reaffirms the terms of ordinance No. 20-90 ordering all officers and employees of this City not to inform, assist or cooperate with the Immigration and Customs Enforcement (ICE) formerly known as Immigration and Naturalization Service, without the specific authorization of the Richmond City Manager or the Chief of Police; and

BE IT FURTHER RESOLVED that the City of Richmond calls for the Immigration and Customs Enforcement (ICE) officers conducting any future official business in Richmond to clearly and specifically identify themselves as federal immigration officers and to proactively and clearly state that they are not officers of the Richmond Police Department; and

BE IT FURTHER RESOLVED that the City of Richmond reaffirms its support for comprehensive immigration reform bill that is fair, just and humane; that recognizes all immigrants for their contributions to our economic and social life; that provides a system that addresses the backlog of visas to reunite families currently separated; that provides

undocumented workers and students with a path toward permanent residency; and prevents the criminalization of the estimated 12 million undocumented immigrants currently residing in the United States; and

BE IT FURTHER RESOLVED that the Richmond City Council directs the Clerk of the Richmond City Council to send copies of this resolution to Michael Chertoff, Secretary for Homeland Security, and to Federal representatives including Senator Dianne Feinstein, Senator Barbara Boxer, and Congressman George Miller.

-----  
I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond, California at a meeting held on February 6, 2007, by the following vote:

Ayes:	Councilmembers Bates, Butt, Lopez, Marquez, Rogers, Sandhu, Thurmond, Viramontes, and Mayor McLaughlin
Noes:	None
Abstentions:	None
Absent:	None

DIANE HOLMES  
Clerk of the City of Richmond

[SEAL]

APPROVED:

GAYLE McLAUGHLIN  
Mayor

APPROVED AS TO FORM:

JOHN EASTMAN  
City Attorney

State of California            }  
County of Contra Costa       : ss  
City of Richmond             }

I certify that the foregoing is a true copy of Resolution No. 11-07, finally passed and adopted by the Council of the City of Richmond at a meeting held on February 6, 2007.

1. [Resolution condemning the Immigration and Customs Enforcement (ICE) Raids, opposing  
2 proposed guest worker programs and supporting legalization programs for immigrants.]

3 **Resolution condemning Immigration and Customs Enforcement (I.C.E.) raids, opposing**  
4 **guest worker programs, and supporting legalization programs for immigrants living in**  
5 **the United States.**

6 WHEREAS, The City and County of San Francisco values all of its residents whether  
7 they be citizens, legal residents or undocumented, and strive towards all residents being able  
8 to work and live free from discrimination, exploitation, and repressive federal immigration  
9 enforcement; and

10 WHEREAS, Under "Operation Return to Sender", Homeland Security and Immigration  
11 and Custom Enforcement (ICE) has conducted raids, individual detentions, arrests and  
12 deportations, and in the process Federal agents have targeted private homes, commercial  
13 buildings, stores and have harassed individuals on the street in immigrant neighborhoods;  
14 and,

15 WHEREAS, According to community and media sources, such as the *Contra Costa*  
16 *Times* which reported over 100 detentions in Contra Costa alone, approximately 300 people  
17 have been detained in the Bay Area since the beginning of Operation Return to Sender; and,

18 WHEREAS, These enforcement activities have taken place in recent weeks in Bay  
19 Area cities like Redwood City, Richmond, Concord, San Mateo and San Francisco; and,

20 WHEREAS, During some of these raids, witnesses have reported that federal agents  
21 have identified themselves as local police, have forcibly entered people's homes without  
22 warrants, and have used intimidation and harassment and in a few cases, federal agents were  
23 seen in close proximity to schools; and,

24 WHEREAS, In San Francisco, witnesses have seen federal agents in various  
25 neighborhoods, including the Excelsior District, the Tenderloin and the Mission District where

1 on February 6, 2007 federal agents raided a home at 23<sup>rd</sup> and Bryant and arrested five  
2 people, and,

3 WHEREAS, The City of San Francisco passed its City of Refuge Ordinance and its INS  
4 Raid Free Resolution in order to support all residents', including undocumented people's right  
5 to live in San Francisco free from fear of abuse and raids of federal INS officials; and,

6 WHEREAS, Raids and other enforcement activities based on people's immigration  
7 status separates families, causes people to not access services, and creates a general  
8 climate of terror; and,

9 WHEREAS, Congress is currently considering legislation that would legalize  
10 undocumented immigrants in this country and granting legalization is a fair and just way of  
11 addressing undocumented migration to this country and avoids the criminalization of  
12 immigrant communities; and,

13 WHEREAS, Congress is also considering a new temporary (or guest) worker program,  
14 which would lead to the exploitation of immigrant workers, and would weaken all workers'  
15 ability to organize; and,

16 WHEREAS, Guestworker programs are not a just or a fair way to address future  
17 migration and create a second tier of workers with fewer rights and less job security; and,

18 WHEREAS, Current guest worker programs allow labor contractors to maintain  
19 blacklists of workers who may work slowly or demand labor rights and once blacklisted are  
20 barred from working in the United States again; and,

21 WHEREAS, Under current guest worker programs, lawyers spend years in court trying  
22 to get back wages for cheated immigrants from contractors whom the Department of Labor  
23 almost never decertifies for such abuse; and,

24  
25  
SUPERVISORS CHRIS DALY, GERARDO SANDOVAL, TOM AMMIANO  
BOARD OF SUPERVISORS

1 WHEREAS, Under current programs, and in the new congressional proposals, if  
2 workers lose their jobs, they must leave, making deportation a punishment for being  
3 unemployed; and,

4 WHEREAS, Guestworkers don't receive unemployment insurance, disability or  
5 workers' compensation payments while companies save money and avoid bad publicity by  
6 sending injured workers back home, where healthcare is virtually unavailable; and,

7 WHEREAS, By their nature, guest worker programs are low-wage schemes, intended  
8 to supply plentiful labor to corporate employers, at a price they want to pay; and now,  
9 therefore, be it

10 RESOLVED, That the San Francisco Board of Supervisors hereby condemns the  
11 recent raids, arrests, detentions and deportations; and, be it

12 FURTHER RESOLVED, The San Francisco Board of Supervisors urges Homeland  
13 Security not to conduct these activities within its boundaries and to meet with City and County  
14 officials and residents regarding the recent raids; and be it

15 FURTHER RESOLVED, That the Board of Supervisors urges the San Francisco  
16 delegation, including Speaker of the House, Nancy Pelosi and Senators Barbara Boxer and  
17 Dianne Feinstein to denounce the raids and to fight for the legalization of all undocumented  
18 immigrants in this country, and oppose a new temporary worker program; and, be it

19 FURTHER RESOLVED, That the San Francisco Board of Supervisors directs the Clerk  
20 of the Board to send copies of this resolution to Federal representatives: Senator Dianne  
21 Feinstein, Senator Barbara Boxer, Congresswoman and Speaker of the House Nancy Pelosi,  
22 and Congressman Tom Lantos.

23  
24  
25  
**SUPERVISORS CHRIS DALY, GERARDO SANDOVAL, TOM AMMIANO**  
**BOARD OF SUPERVISORS**



- COMMITTEE ON THE JUDICIARY  
SUBCOMMITTEE ON COURTS, THE INTERNET,  
AND INTELLECTUAL PROPERTY  
SUBCOMMITTEE ON IMMIGRATION,  
BORDER SECURITY, AND CLAIMS
- COMMITTEE ON HOMELAND SECURITY  
SUBCOMMITTEE ON INTELLIGENCE, INFORMATION  
SHARING, AND TERRORISM  
RISK ASSESSMENT, RANKING MEMBER  
SUBCOMMITTEE ON ECONOMIC SECURITY,  
INFRASTRUCTURE PROTECTION, AND CYBERSECURITY  
SUBCOMMITTEE ON MANAGEMENT, INTEGRATION,  
AND OVERSIGHT
- COMMITTEE ON HOUSE ADMINISTRATION

**Congress of the United States**  
**House of Representatives**  
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March 1, 2007

Assistant Secretary Julie Myers  
U.S. Immigration and Customs Enforcement  
425 I Street, NW, Room 7030  
Washington, DC 20536

Dear Assistant Secretary Myers,

My constituents, non-governmental organizations (NGOs), and others have contacted me regarding recent Immigration and Customs Enforcement Agency (ICE) actions to remove undocumented immigrants in Northern California and around the country. I am writing for clarification and understanding of your agency's policy and methods of removal of undocumented immigrants.

On February 22, 2007, the San Francisco Chronicle reported on a program that has resulted in the arrest and removal of undocumented immigrants in Northern California - "Operation Return to Sender." On February 7, 2007, the San Mateo County Times reported on the detention by your agency of at least seven San Mateo county residents, according to the local police. These articles and individuals I've spoken with have raised questions on the policy and methods ICE has instituted to arrest, detain, and remove undocumented immigrants. I would greatly appreciate a response to the following questions.

- Please provide an explanation of "Operation Return to Sender." When did this program begin? Is this program still in operation? What are the goals of this program? Are there other similar programs in operation today? If so, please describe them.
- In Operation Return to Sender or other similar programs, how many warrants for arrest have been granted? How many of those arrests were successfully executed? How many of those arrests resulted in final removal? How many are currently awaiting action for removal? How many individuals have you arrested who are the parents of U.S. citizen children under the age of 18? How many individuals have been arrested during the execution of a warrant for a different individual? How many of these individuals have been removed and how many are still awaiting action for final removal? Of those arrested, how many are criminal aliens?

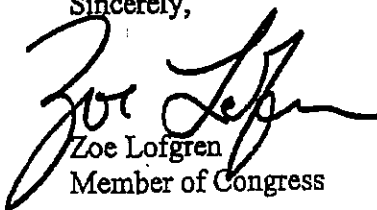
- What are the policies you use to determine where, when, and how you will seek arrest and removal of an undocumented immigrant? What is your policy on determining the location or group of individuals to target for arrest and removal? What are your priorities in determining the location and groups of individuals you will target for arrest and removal? Are criminal aliens a top priority? Are particular locations given special consideration, such as schools and hospitals?
- Please describe in detail the process your agency follows in obtaining warrants for arrest. Who makes the requests? Who approves the requests? What criteria is used to determine whether to grant a warrant for arrest?
- Please provide a thorough explanation of the policy your agents follow when executing a warrant. During the execution of a warrant, how do agents enter the building where the subject of the warrant is suspected to be located? How do the agents describe themselves and announce their presence upon entry? What is the policy and procedure agents must follow when they encounter other individuals who are not the subject of the warrant? Are there special considerations made for executing the warrant when children are present? If children under the age of 18 are present or parents of children under the age of 18 are the subject of the warrant, what steps are taken to ensure the children are provided appropriate care during the arrest and removal process, as well as after the removal if the child is a U.S. citizen?
- Please explain your policy on providing information to family and/or counsel on the location of the individual after the arrest? Where does a family member or counsel obtain information on the location of the detained individual? How long does it take for family or counsel to receive such information? What is your policy on visitation or other contact with family members or counsel of a detained individual during detention?
- What is the average cost per person of executing a warrant for arrest, detaining the individual, and pursuing the removal pursuant to Operation Return to Sender?

I look forward to your written reply to the above questions by March 9, 2007. I also request that you promptly arrange briefings on the enforcement actions your agency has taken: one Congressional briefing for interested Members of Congress and their staff and a series of field hearings in affected areas of enforcement open to interested NGOs and the general public so that you may individually address their questions and concerns.

To arrange the Congressional briefing or if you have questions, please contact me or my counsel, Ur Mendoza Jaddou, at 202-225-3929.

Thank you very for your assistance in this important matter.

Sincerely,



Zoe Lofgren  
Member of Congress



THE WHITE HOUSE  
PRESIDENT  
GEORGE W. BUSH

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## President Bush's Plan For Comprehensive Immigration Reform

### 2007 State of the Union Policy Initiatives

#### In Focus: Immigration

**Tonight, President Bush Will Call On Congress To Pass Comprehensive Immigration Reform.** The President believes that America can simultaneously be a lawful, economically dynamic, and welcoming society. We must address the problem of illegal immigration and deliver a system that is secure, productive, orderly, and fair. The President calls on Congress to pass comprehensive immigration reform that will secure our borders, enhance interior and worksite enforcement, create a temporary worker program, resolve – without animosity and without amnesty – the status of illegal immigrants already here, and promote assimilation into our society. All elements of this problem must be addressed together – or none of them will be solved.

#### 1. The United States Must Secure Its Borders

**Border Security Is The Basic Responsibility Of A Sovereign Nation And An Urgent Requirement Of Our National Security.** We have more than doubled border security funding from \$4.6 billion in FY 2001 to \$10.4 billion in FY 2007. We will have also increased the number of Border Patrol agents by 63 percent – from just over 9,000 agents at the beginning of this Administration to nearly 15,000 at the end of 2007. We are also on track to increase this number to approximately 18,000 by the end of 2008, doubling the size of the Border Patrol during the President's time in office.

- **To Supplement The Border Patrol As Its Numbers Increase, Approximately 6,000 National Guard Members Have Been Sent To Our Southern Border In Coordination With Governors.** National Guard units are assisting the Border Patrol by operating surveillance systems, analyzing intelligence, installing fences and vehicle barriers, and building patrol roads. The National Guard is increasing the operational capacity of the Border Patrol to gain control of our Southern border.
- **The President's Secure Border Initiative (SBI) Is The Most Technologically Advanced Border Enforcement Initiative In American History.** Last year, we initiated a multi-year plan to secure our borders and reduce illegal immigration through comprehensive upgrading of technology used in controlling the border, including improved communications assets, expanded use of manned and unmanned aerial vehicles, and state-of-the-art detection technology.
- **The Administration Is Increasing Infrastructure Investment At The Border.** We are expanding detention capacity and developing rapidly deployable fencing technology that will be rolled out this year. In addition, the President is committed to building hundreds of miles of integrated, tactical infrastructure along the Southern border, which includes vehicle barriers, checkpoints, and lighting to help detect, deter, and prevent people from entering our country illegally.
- **The Administration Has Effectively Ended "Catch And Release" For Illegal Aliens Apprehended At The Borders.** In FY06 and FY07 the Administration funded 6,700 new detention beds, for a total of 27,500 detention beds this fiscal year.
- **The Administration Expanded The Use Of "Expedited Removal," Which Allows Us To Send Illegal Immigrants Home More Quickly.** The President is also working with Congress to mitigate court-imposed requirements that the Federal government release dangerous criminal aliens if their home countries do not take them back within a certain period of time.
- **The Administration Is Working Closely With State And Local Law Enforcement To Stop Illegal Immigration.** Immigration and Customs Enforcement (ICE) has the resources to train 1,500 State

and local law enforcement officers under the 287(g) program in 2006 and 2007. DHS will work with its State and local partners to expand these programs, and received \$50 million in 2006 supplemental funding for this effort. In addition, DHS is expanding to State and local law enforcement agencies the Criminal Alien Program (CAP) previously in place with the Federal Bureau of Prisons to identify illegal aliens who are incarcerated in Federal, State, and local jails.

## **2. We Must Hold Employers Accountable For The Workers They Hire**

**In A Sharp Break From The Past, The Administration Is Addressing The Illegal Employment Of Undocumented Workers With A Tough Combination Of Criminal Prosecution And Forfeitures.** Previously, worksite enforcement relied on a combination of administrative hearings and fines. The fines were so modest that some employers treated them as merely a cost of doing business, and employment of undocumented workers continued unabated.

- **The Number Of Arrests In Worksite Enforcement Cases Has Increased Dramatically During The President's Time In Office.** There were more than 4,300 arrests in worksite enforcement cases for 2006, more than seven times the arrests in 2002. In addition, the two largest worksite enforcement actions in U.S. history were conducted last year by ICE.
- **In Fall 2005, The President Signed A Bill Doubling Federal Resources For Worksite Enforcement.** In addition, the Administration has launched law enforcement task forces in 11 major cities to dismantle criminal rings that produce fake documents.
- **DHS Has Issued A Proposed "No-Match" Regulation To Assist Employers In Ensuring A Legal Workplace And To Help The Government Identify And Crack Down On Employers Who Knowingly Hire Illegal Workers.** In cases in which an employer has ten or more employees with inaccurate information, the Social Security Administration (SSA) sends the employer a "No-Match" letter. DHS's proposed "No-Match" regulation clarifies that employers may be held civilly and criminally liable when a letter is sent and employers ignore the discrepancies between SSA databases and the information provided about their employees.

**Comprehensive Immigration Reform Must Include The Creation Of A New, Tamper-Proof Identification Card For Every Legal Foreign Worker So Businesses Can Verify The Legal Status Of Their Employees.** A tamper-proof card would help us enforce the law and leave employers with no excuse for violating it. We will also work with Congress to expand "Basic Pilot" – an electronic employment eligibility verification system – and mandate that all employers use this system.

## **3. To Secure Our Border, We Must Create A Temporary Worker Program**

**America's Immigration Problem Will Not Be Solved With Security Measures Alone.** There are many people on the other side of our borders who will do anything to come to America to work and build a better life. This dynamic creates tremendous pressure on our border that walls and patrols alone cannot stop.

**As We Tighten Controls At The Border, We Must Also Address The Needs Of America's Growing Economy.** The rule of law cannot permit unlawful employment of millions of undocumented workers in the United States. Many American businesses, however, depend on hiring willing foreign workers for jobs that Americans are not doing.

**To Provide A Lawful Channel For Employment That Will Benefit Both The United States And Individual Immigrants, The President Has Called For The Creation Of A Temporary Worker Program.** Such a program will serve the needs of our economy by providing a lawful and fair way to match willing employers with willing foreign workers to fill jobs that Americans have not taken. The program will also serve our law enforcement and national security objectives by taking pressure off the border and freeing our hard-working Border Patrol to focus on terrorists, human traffickers, violent criminals, drug runners, and gangs.

**The Temporary Worker Program Should Be Grounded In The Following Principles:**

- **American Workers Must Be Given Priority Over Guest Workers.** Employers should be allowed to hire guest workers only for jobs that Americans have not taken.
- **The Program Must Be Truly Temporary.** Participation should be for a limited period of time, and the guest workers must return home after their authorized period of stay. Those who fail to return home in accordance with the law should become permanently ineligible for a green card and for citizenship.
- **Participation Should Fluctuate With Market Conditions.** When the economy is booming, and there are not enough American workers available to help businesses grow, the program should be open to more participants. But when times are tough and Americans struggle to find jobs, the economy cannot and should not support as many guest workers.

#### **4. We Must Bring Undocumented Workers Already In The Country Out Of The Shadows**

**Comprehensive Immigration Reform Must Account For The Millions Of Immigrants Already In The Country Illegally.** Illegal immigration causes serious problems, putting pressure on public schools and hospitals and straining State and local budgets. People who have worked hard, supported their families, avoided crime, led responsible lives, and become a part of American life should be called in out of the shadows and under the rule of American law.

**The President Opposes An Automatic Path To Citizenship Or Any Other Form Of Amnesty.** Amnesty, as a reward for lawbreaking, would only invite further lawbreaking. Amnesty would also be unfair to those lawful immigrants who have patiently waited their turn for citizenship and to those who are still waiting to enter the country legally.

**The President Supports A Rational Middle Ground Between A Program Of Mass Deportation And A Program Of Automatic Amnesty.** It is neither wise nor realistic to round up and deport millions of illegal immigrants in the United States. But there should be no automatic path to citizenship. The President supports a rational middle ground founded on the following basic tenets:

- **No Amnesty.** Workers who have entered the country illegally and workers who have overstayed their visas must pay a substantial penalty for their illegal conduct.
- **In Addition To Paying A Meaningful Penalty, Undocumented Workers Must Learn English, Pay Their Taxes, Pass A Background Check, And Hold A Job For A Number Of Years Before They Will Be Eligible To Be Considered For Legalized Status.**
- **Any Undocumented Worker Seeking Citizenship Must Go To The "Back Of The Line."** The program should not reward illegal conduct by making participants eligible for citizenship ahead of those who have played by the rules and followed the law. Instead, program participants must wait their turn at the back of the line.

#### **5. We Must Promote Assimilation Into Our Society By Teaching New Immigrants English And American Values**

**Those Who Swear The Oath Of Citizenship Are Doing More Than Completing A Legal Process – They Are Making A Lifelong Pledge To Support The Values And The Laws Of America.** Americans are bound together by our shared ideals, our history, and the ability to speak and write the English language. Every new citizen has an obligation to learn the English language and the customs and values that define our Nation, including liberty and civic responsibility, appreciation for our history, tolerance for others, and equality. When immigrants assimilate, they advance in our society, realize their dreams, and add to the unity of America.

**New Citizens Need Guidance To Succeed.** The Office of Citizenship is creating new guides for immigrants and introducing a new pilot civics examination designed to foster a deeper understanding of civic virtues and the founding ideals. The President's Task Force on New Americans is fostering volunteerism through [volunteer.gov](http://volunteer.gov) and exploring partnerships with local organizations. Public libraries and faith-based and community groups will be

encouraged to offer English language and civics instruction to immigrants who are seeking to make America their home.

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**Return to this article at:**

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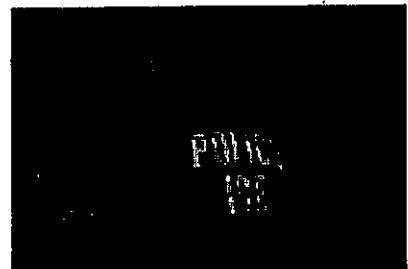
## News Releases

June 14, 2006

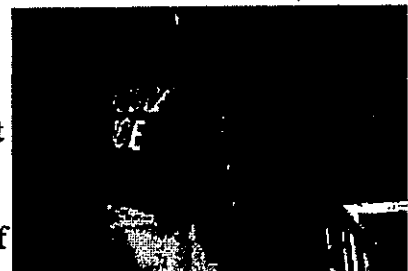
### **ICE Apprehends More Than 2,100 Criminal Aliens, Gang Members, Fugitives And Other Immigration Violators In Nationwide Interior Enforcement Operation**

*New England ICE office arrests more than 150, most of whom illegally re-entered the country after deportation*

**BOSTON** - Bruce Chadbourne, New England Field Office Director for U.S. Immigration and Customs Enforcement's (ICE) Detention and Removal Division, today announced that New England based ICE fugitive operations teams and federal, state and local partners apprehended 150 criminal aliens, aliens that illegally re-entered the country after removal, and other immigration status violators as part of a nationwide interior immigration enforcement operation that began last month.



Dubbed "Operation Return to Sender," the initiative New England portion of the operation began June 7 and concluded at 5:00 a.m. today. Of the 150 illegal aliens arrested in New England, 75 had illegally re-entered the country after deportation, a crime that can carry up to 20 years in federal prison depending on the circumstances of deportation. An additional 60 fugitive aliens were arrested after failing to comply with an immigration judges orders of deportation. The remaining 15 illegal aliens had non-fugitive immigration status violations and were placed in removal proceedings.



Among the roughly 2,179 individuals arrested around the country, roughly half had criminal records for crimes that ranged from sexual assault of a minor to assault with a deadly weapon, to abduction. For example, approximately 146 of those arrested had convictions for sexual offenses involving minors. In addition, roughly 367 of the arrested aliens were members or associates of violent street gangs, including Mara Salvatrucha (MS-13). Finally, roughly 640 of those arrested were fugitive aliens who had been issued final orders of removal by an Immigration judge but failed to comply.

ICE officers arrested the majority of these individuals on administrative immigration violations and

have placed them into deportation proceedings. Roughly 829 of those apprehended on administrative violations have already been repatriated to their home countries. ICE agents also apprehended 121 individuals on criminal charges that range from felony re-entry after deportation, to illegal alien in possession of a firearm. The latter individuals are being processed in federal criminal courts.

"America is a welcoming land of opportunity to the millions of immigrants who arrive here legally and live by our laws," said Chadbourne. "Those who come here illegally or violate our laws forfeit their access to opportunity and the privilege of remaining in the United States. The New England ICE office will continue to aggressively play a vital role in the Department of Homeland Security's interior enforcement efforts and we are on track this year to greatly exceed the nearly 1000 arrests and deportations of illegal aliens that we had last year."

Some of those arrested nationwide in Operation Return to Sender included:

- **Franklin Ademir Rodriguez**, a 25-year-old Salvadoran national and member of the street gang Mara Salvatrucha (MS-13). Rodriguez, also known as "Hollywood," boasts a lengthy criminal history that includes an assault and battery conviction for helping other MS-13 gang members permanently paralyze a 13-year-old boy by stabbing him in the spine with a sharpened stake. The victim is now confined to a wheelchair for life. ICE officers arrested Rodriguez earlier this month at his place of employment at Budget Rental Car at Boston Logan Airport after he failed to appear for his removal hearing.
- **Jose Garcia Rios**, a Mexican national whose criminal history extends from 1985 to present. Garcia has been arrested roughly 13 times, has been removed from the country several times, and has past convictions for crimes ranging from aggravated robbery to drug dealing, drug possession, terroristic threats, and evading arrest.
- **Wilber Kuk**, a 24-year-old Mexican national and member of 18th Street gang in Washington, D.C. who has convictions for abduction, malicious wounding, robbery and use of a firearm.
- **Samuel Gil Martinez**, a 24-year-old Salvadoran national and member of the MS-13 gang. Martinez has twice been convicted in Boston of assault and battery with a dangerous weapon. In one case, he beat an individual with a baseball bat. In another, he attacked an individual at a bus stop with a "Club" automobile lock. Martinez was arrested with other MS-13 members during the commission of these crimes.
- **Angel Lira-Alvarez**, a 26-year-old Mexican national and member of "East Side Homeboys," a major street gang in Dallas, Texas. Lira has previous convictions for manufacture and delivery of a controlled substance, theft and burglary. He had previously been deported from the country, but re-entered the United States and was arrested again for marijuana possession. He was the subject of a local arrest warrant for parole violations when ICE arrested him.

Those arrested during "Return to Sender" came from nations around the globe, including Angola, Bangladesh, Brazil, Cape Verde, China, Colombia, Dominican Republic, Ecuador, El Salvador, Egypt, Gambia, Georgia, Ghana, Guatemala, Honduras, Indonesia, Iraq, Italy, Ivory Coast, Jamaica, Kenya, Liberia, Libya, Mexico, Nicaragua, Nigeria, Pakistan, Peru, Poland, Portugal, Senegal, Thailand, Uganda, United Kingdom and Uzbekistan.

The arrests are the latest enforcement actions under the interior immigration enforcement strategy



that was announced on April 20, 2006 by Homeland Security Secretary Chertoff and Assistant Secretary Myers. A critical element of this interior enforcement strategy is to identify and remove criminal aliens, fugitives, and other immigration violators from the United States.

The interior enforcement strategy is part of the Secure Border Initiative (SBI), which is the Department of Homeland Security's comprehensive, multi-year plan to secure America's borders and reduce illegal migration. SBI's border security efforts are focused on gaining operational control of the nation's borders through additional personnel and technology, while re-engineering the detention and removal system to ensure that illegal aliens are removed from the country quickly.

The interior enforcement strategy complements the Department's border security efforts by expanding existing efforts to target immigration violators inside this country, employers of illegal aliens, as well as the many criminal networks that support these activities. The primary objectives are to reverse the tolerance of illegal employment and illegal immigration in the United States.

-- ICE --

U.S. Immigration and Customs Enforcement (ICE) was established in March 2003 as the largest investigative arm of the Department of Homeland Security. ICE is comprised of four integrated divisions that form a 21st century law enforcement agency with broad responsibilities for a number of key homeland security priorities.

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## News Releases

September 25, 2006

### **163 criminal aliens, fugitives and other immigration violators arrested by ICE, Collier County Sheriff's Office and Lee County Sheriff's Office**

#### ***Feds team up with locals to make record-breaking number of arrests in Florida***

NAPLES, FL- A 31-year-old Albanian national wanted for aggravated murder was among the 163 criminal aliens, fugitives and immigration violators arrested during a weeklong operation that culminated Friday. The operation dubbed "Return to Sender" was a joint interior enforcement initiative led by U.S. Immigration and Customs Enforcement (ICE) and supported by Collier County Sheriff's Office and Lee County Sheriff's Office.

The arrests, which spanned from Naples to Ft. Myers, yielded the largest number of arrests ever made by ICE in this area. Operation Return to Sender is part of an ongoing interior enforcement initiative to identify, arrest and remove from the United States criminal aliens, immigration fugitives, and other immigration violators.

"Taking criminal aliens, fugitives and other immigration status violators off of our streets is a critical complement to our nation's border security measures," said Robert Weber, special agent-in-charge of ICE's Office of Investigations in Tampa. "We are continuing to restore integrity to the nation's immigration system by aggressively targeting those who violate immigration law."

"We've had outstanding success and cooperation from ICE in Operations Razor, River Chase, Community Shield, identifying gangs and gang-involved illegal foreign nationals," said Collier County Sheriff Don Hunter. "This is another in a series of partnerships with ICE with a significant outcome. It is my firm belief that foreign nationals contribute to significant, serious criminal activity in Collier County."

Twenty-six of those arrested during this operation have a history of violent criminal activity that include lewd and lascivious molestation, aggravated battery, domestic violence, resisting arrest, grand theft, and battery on a pregnant victim. Some examples of those arrested during this operation

are:

Robert Ziu, a national of Albania wanted by Italian authorities for aggravated murder. Ziu's arrest stems from an active Interpol arrest warrant.

Fernando Joffre, a national of Bolivia, who entered the country as a B-2 visitor and failed to depart as required by law. Joffre was convicted of lewd and lascivious molestation on a victim under 12-years-old. He has been placed in removal proceedings for overstaying his visa.

Walter Mauricio Henriquez, a Honduran national convicted of aggravated battery, domestic violence, grand theft, and resisting arrest. Henriquez, who illegally entered the country, has been administratively charged and faces removal from the country.

Those arrested represent 11 different countries including: Mexico, Bolivia, Haiti, Honduras, Jamaica, Trinidad and Tobago, Armenia, Brazil, Colombia, Guatemala and El Salvador.

Operation Return to Sender's success was as a result of the combined effort between federal, county, and local law enforcement agencies. In addition to ICE agents and officers based out of ICE's detention and removal office in Florida and office of investigations in Tampa, the following agencies participated in the enforcement action: U.S. Customs and Border Protection, Air and Marine Operations; Collier County Sheriff's Office and Lee County Sheriff's Office.

These arrests are the latest enforcement actions under the interior immigration enforcement strategy that was announced on April 20, 2006 by Homeland Security Secretary Chertoff and Assistant Secretary Myers. A critical element of this interior enforcement strategy is to identify and remove criminal aliens, fugitives, and other immigration violators from the United States.

The interior enforcement strategy is part of the Secure Border Initiative (SBI), which is the Department of Homeland Security's comprehensive, multi-year plan to secure America's borders and reduce illegal migration. SBI's border security efforts are focused on gaining operation control of the nation's borders through additional personnel and technology, while re-engineering the detention and removal system to ensure that illegal aliens are removed from the country quickly.

The interior enforcement strategy complements the Department's border security efforts by expanding existing efforts to target immigration violators inside this country, employers of illegal aliens, as well as the many criminal networks that support these activities. The primary objectives are to reverse the tolerance of illegal employment and illegal immigration in the United States.

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Last Modified: Friday, March 2, 2007 Monday, September 25, 2006



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## News Releases

October 19, 2006

### **New Jersey operation nets 111 fugitive alien and other immigration status violators**

#### ***Arrests are result of Operation Return to Sender***

NEWARK, N.J. – U.S. Immigration and Customs Enforcement (ICE) officers fanned out across New Jersey targeting dozens of known fugitive aliens in an intensive seven-day operation that resulted in the arrest of 111 fugitives and illegal aliens. Dozens of ICE officers participated in Return to Sender, a national operation that targets, locates and apprehends immigration fugitives.

Sixty-five of those arrested were targets of the operation that have outstanding warrants of removal. Another 46 individuals were apprehended because they are illegally in the United States. Of the 111 people arrested 34 have criminal records.

Beginning on the morning of October 12, teams of ICE officers in New Jersey targeted fugitive aliens: those who have been ordered deported by immigration judges but who chose to defy the court's order. Those arrested during the ICE operation come from 22 different countries, including: Mexico, Brazil, Columbia, Egypt, Guatemala, Ecuador, Syria, India, and Peru.

Scott Weber, field office director for ICE's office of Detention and Removal Operations in Newark said, "Illegal aliens who defy the removal order of a United States Immigration Judge should be on notice that we have dedicated significant resources towards locating, targeting and arresting them. We cannot and will not allow those who violate our laws to remain in the U.S. in violation of our laws."

Among those arrested during Operation Return to Sender are:

1. Raj Kumar Arora, a citizen of India, was arrested in Newark on a fugitive warrant. Arora was convicted of criminal sexual contact in Essex County and ordered removed from the United States.

2. Pedro Trejo-Ortega, a citizen of Ecuador, was ordered removed by an Immigration Judge in March 2000. After failing to report for removal as ordered, Trejo-Ortega became a fugitive. Trejo has prior felony convictions for criminal sexual contact and receiving stolen property in New Jersey. Trejo also has convictions for larceny and assault in New York.
3. Cristiano Gerardo Da Silva Pina, a citizen of Portugal, Da Silva became a fugitive after being ordered removed in 2001. He also has criminal convictions for receiving stolen property and forgery and arrests for receiving stolen property, damaging property, burglary, soliciting prostitution, forgery, and terroristic threats.
4. Jose Luis Farfan of Peru, was apprehended in Jackson. Farfan was previously removed from the United States in May 1998 and less than one month later he illegally re-entered the country. Farfan has a conviction for attempted assault.
5. Marco Santos of Guatemala was previously deported from the country in 1997. He illegally re-entered the United States in 1998 and was apprehended while living in Yardville.

Those fugitives apprehended will be detained in ICE custody pending their final removal from the country. Those additional aliens encountered who are illegally present in the United States will also be detained pending an appearance in immigration court.

These arrests are the latest enforcement actions in New Jersey as part of the interior immigration enforcement strategy that was announced on April 20 by Homeland Security Secretary Chertoff and Assistant Secretary Myers. A critical element of this strategy is to identify and remove criminal aliens, fugitives, and other immigration violators from the United States.

The interior enforcement strategy is part of the Secure Border Initiative (SBI), which is the Department of Homeland Security's comprehensive, multi-year plan to secure America's borders and reduce illegal migration. SBI's border security efforts are focused on gaining operational control of the nation's borders through additional personnel and technology, while re-engineering the detention and removal system to ensure that illegal aliens are removed from the country quickly.

During fiscal year 2006 ICE removed 185,431 aliens from the United States an increase over the 168,906 individuals removed in fiscal year 2005.

-- ICE --

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Last Modified: Friday, March 2, 2007 Thursday, October 19, 2006



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## News Releases

October 20, 2006

### ICE officers arrest 16 immigration fugitives in Chicago area during 4-day "Operation Return to Sender"

CHICAGO — U.S. Immigration and Customs Enforcement (ICE) officers arrested 16 immigration fugitives in the Chicago metro area during a 4-day initiative called "Operation Return to Sender." Return to Sender is an ongoing nationwide ICE initiative; this latest local operation began Monday and ended yesterday.

This operation is part of ICE's ongoing process of targeting aliens who have final orders of removal from a federal immigration judge, aka absconders. ICE's fugitive operations teams throughout the United States are specifically trained and dedicated to arresting and removing these aliens. ICE was assisted in this operation by the U.S. Marshals Great Lakes Fugitive Task Force.

The 16 individuals arrested during this latest operation are all fugitive aliens with final orders of deportation. Thirteen of those arrested have criminal records that include convictions for such crimes as: aggravated battery with a weapon, robbery, illegally possessing a firearm, drunken driving and fraud.

The aim of the ICE Fugitive Operations Teams is to reduce the number of fugitive aliens in the U.S., which is currently estimated at 600,000. Fugitives are foreign nationals who have been ordered removed by a federal immigration judge, but failed to comply with those orders. All of those arrested ignored the lawful orders of immigration judges — in some cases for years — by refusing to leave the U.S., and they posed a continuing threat to public safety.

"We will not tolerate the presence of those who abscond instead of obeying a deportation order issued by a federal immigration judge," said Deborah Achim, field office director of the ICE Detention and Removal Operations office in Chicago. "Our goal is to remove each of these individuals from the United States, with priority given to those with criminal records."

Some of the fugitive criminal aliens arrested during this operation include:



- Rodolfo Lopez-Gonzalez, 30, a Mexican national, was apprehended by ICE officers at his Aurora residence Oct. 17. He is a Latin King gang member with criminal convictions for aggravated battery with a weapon, robbery, damage to property, and illegally possessing a firearm. He first entered the U.S. in 1985 and was granted legal status in the U.S. in 1996. His criminal convictions rendered him deportable and he was ordered deported by a federal immigration judge in 1997. The judge's decision was upheld on appeal in 2002 and Lopez-Gonzalez was instructed to surrender for removal in November 2002. He failed to appear and became a fugitive.
- Ibrahim Kofi Mensah, a 41-year-old national from Ghana, was arrested Oct. 16 at his Chicago residence. His criminal record includes an arrest for criminal sexual abuse and a 2004 conviction for violating a protection order. Mensah attempted to enter the U.S. in 1991 with a French passport that did not belong to him. He was ordered deported later that year by a federal immigration judge, and the judge's decision was upheld on appeal in 1999. He was instructed to surrender for deportation in January 2000 and he failed to do so. He remained in the U.S. as an absconder until his arrest this week. He remains in ICE custody pending removal.


 Photo of Rodolfo Lopez-Gonzalez

 Photo of Ibrahim Kofi Mensah

Those aliens arrested during this operation are citizens of the following eight countries: Albania, China, Czech Republic, Ghana, India, Mexico, Nigeria, and Poland.

This operation is part of the Secure Border Initiative (SBI), a Department of Homeland Security (DHS) comprehensive, multi-year plan to secure America's borders and reduce illegal immigration. SBI complements DHS' border security efforts by expanding its existing efforts to target immigration violators in this country, employers of illegal aliens, as well as many criminal networks who support these activities.

There are 50 Fugitive Operations teams currently operational nationwide, with plans to establish an additional 18 teams this fiscal year

-- ICE --

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## News Releases

November 3, 2006

### **ICE apprehends 21 criminal aliens, fugitives and other immigration violators** *Arrests result from 2-day initiative called "Operation Return to Sender"*

DALLAS - U.S. Immigration and Customs Enforcement (ICE) announced today that ICE agents and officers apprehended 21 criminal aliens, fugitive aliens, and other immigration status violators as part of a two-day north Texas interior immigration enforcement operation that ended today.

Known as "Operation Return to Sender," the initiative began Thursday and is a continuation of an ongoing nationwide operation that was first executed in June during which 2,179 aliens were arrested. ICE officers in Dallas executed this operation with the assistance of local law enforcement agencies. The following agencies provided substantial assistance in this operation: Dallas County Constables Office, Precinct 4; the Joint Terrorism Task Force, and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

ICE began the operation Nov. 2 in Irving, Richardson and Arlington, Texas, and made 16 arrests that day. ICE officers continued the operation in Mount Pleasant, Dallas, Irving, Garland, Tyler and Jacksonville, Texas, and made five additional arrests. Those arrested ranged in age from 5 to 55 years old; nine of those arrested were women.

"The targeted aliens in this operation failed to comply with the federal immigration judges' orders to depart from the United States," said Nuria Prendes, who heads ICE's Office of Detention and Removal Operations in Dallas. "Our job in ICE is to find these fugitives and deport them. Taking criminal and fugitive aliens off of our streets is a top ICE priority." Prendes heads an area which includes north Texas and the State of Oklahoma.

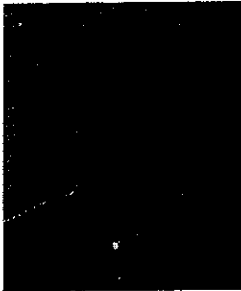
Those arrested in this north Texas interior immigration enforcement operation came from Jordan, Kuwait and Somalia.

Following are four of the aliens who were arrested in this week's north Texas immigration

enforcement operation:



- Aziza Ahmed Mohamed, 40, from Somalia, was arrested Nov. 3 on an outstanding order for deportation. Mohamed was convicted for multiple theft charges, including a conviction for felony theft.



- Ahmed Hazahza, 18, Palestinian, born in Jordan, was arrested in Irving, Texas on Nov. 02 on an outstanding order for deportation. Hazahza was convicted as an adult for three burglaries for which he received a 10-year probated sentence.

- Salaheddin Ibrahim, 36, from Jordan, was arrested Nov. 2 on an outstanding order for deportation; he illegally possessed a firearm at the time of arrest. The firearm was presented to ATF agents for processing and prosecution on charges of an illegal alien in possession of a firearm.
- Bilal Ibraheem Omary, 33, from Jordan, was arrested Nov. 3 on an outstanding order for deportation. A case is now pending to prosecute him in the Eastern District of Texas for immigration fraud and re-entry after deportation. A criminal investigation is currently initiated based on facts that were received after the initial arrest.

The juveniles encountered are staying with other family members, or are being housed with at least one parent at the Hutto family detention facility in Taylor, Texas. All other aliens arrested were interviewed, fingerprinted, and detained at the Rolling Plains Detention Facility in Haskell, Texas.

The criminal aliens arrested are being processed for deportation. Re-entering the United States after having been deported is a felony punishable by up to 20 years in prison. ICE works closely with U.S. Attorneys' Offices to present for prosecution those aliens who violate U.S. immigration laws.

These arrests are the latest enforcement actions under the interior immigration enforcement strategy that was announced April 20 by Homeland Security Secretary Michael Chertoff and Assistant Secretary Julie Myers. A critical element of this interior enforcement strategy is to identify and remove criminal aliens, fugitives, and other immigration violators from the United States.

The interior enforcement strategy is part of the Secure Border Initiative (SBI), which is the Department of Homeland Security's comprehensive, multi-year plan to secure America's borders

and reduce illegal migration. SBI's border security efforts are focused on gaining operational control of the nation's borders through additional personnel and technology, while re-engineering the detention and removal system to ensure that illegal aliens are removed from the country quickly.

The interior enforcement strategy complements the Department's border security efforts by expanding existing efforts to target immigration violators inside this country, employers of illegal aliens, as well as the many criminal networks that support these activities. The primary objectives are to reverse the tolerance of illegal employment and illegal immigration in the United States.

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Last Modified: Friday, March 2, 2007 Friday, November 3, 2006



U.S. Immigration  
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## News Releases

November 20, 2006

### **New Jersey operation nets 137 fugitive aliens and other immigration status violators** *Arrests are result of Operation Return to Sender*

NEWARK, N.J. - U.S. Immigration and Customs Enforcement (ICE) officers deployed across New Jersey and targeted dozens of known fugitive aliens in an intensive weeklong operation that resulted in the arrest of 137 fugitives and illegal aliens. The enforcement action was part of operation Return to Sender, a national ICE program to target, locate, and apprehend immigration fugitives.

Fifty-four of those arrested were fugitives who had outstanding warrants of removal. Another 83 individuals were apprehended because they are illegally in the United States. Of the 137 people arrested, 17 have criminal records.

Beginning on the morning of November 13, teams of ICE officers in New Jersey targeted fugitive aliens: individuals who have been ordered deported by immigration judges but have ignored the court's order. Those arrested during the ICE operation come from 21 different countries, including: Mexico, Honduras, Guatemala, Pakistan, Egypt, Poland, India, Slovakia, Costa Rica, Albania, Macedonia, and the United Kingdom.

Scott Weber, field office director for ICE's office of Detention and Removal Operations in Newark said, "Operation Return to Sender is aimed at enforcing orders issued by Federal immigration judges. If individuals choose to disobey the judges' orders, ICE officers in New Jersey will track them down. We are committed to using all of the resources at our disposal to find these people, take them into custody, and remove them from the United States."

Weber pointed out that the fugitives arrested in this operation received the full due process they are entitled to under the law. Some of those arrested had been released on bond, while others had been freed on their own recognizance. The subjects became fugitives when they failed to appear for their immigration hearings, or when they failed to depart the United States as ordered.

Among those arrested during Operation Return to Sender are:

- Pedro Salmoran-Castro, a Mexican national, was convicted of attempting to elude police in Atlantic City.
- Desi Gervase Scotland, a native of Trinidad and Tobago, was convicted of obstruction of administrative law. He entered the United States illegally and was ordered deported in September 2005. Scotland failed to appear in U.S. Immigration Court after being charged with being illegally present. He was ordered deported in absentia.

The fugitives arrested in this operation will remain in ICE custody pending their final removal from the country. The others will be placed in immigration removal proceedings.

The New Jersey operation is part of the nationwide interior immigration enforcement strategy announced earlier this year by Homeland Security Secretary Michael Chertoff and ICE Assistant Secretary Julie L. Myers. A critical element of that strategy is to identify, locate, and remove criminal aliens, fugitives, and other immigration violators from the United States.

The interior enforcement strategy is part of the Department of Homeland Security's broader Secure Border Initiative (SBI), a multi-year plan to secure America's borders and reduce illegal migration. Those efforts are focused on gaining operational control of the nation's borders through the deployment of additional personnel and technology, while re-engineering the detention and removal system to ensure that illegal aliens are removed from the country quickly.

During fiscal year 2006, ICE removed 185,431 aliens from the United States, compared to 168,906 individuals removed in fiscal year 2005.

-- ICE --

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U.S. Immigration  
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Protecting National Security and Upholding Public Safety

## News Releases

November 22, 2006

### **ICE officers arrest 25 fugitives and immigration violators in Sioux City and Omaha areas during weeklong "Operation Return to Sender"**

OMAHA, Neb. — U.S. Immigration and Customs Enforcement (ICE) officers here arrested 25 immigration status violators along the Iowa-Nebraska border during a weeklong initiative called "Operation Return to Sender." The operation began Nov. 15 and ended yesterday.

Return to Sender is an ongoing nationwide ICE initiative targeting aliens who have final orders of removal issued by a federal immigration judge, but did not surrender for deportation or leave the United States when ordered to. ICE's fugitive operations teams throughout the United States are specially trained and dedicated to arresting and removing these alien absconders.

Of the 25 individuals arrested, 20 are fugitive aliens with final orders of deportation, and five are immigration violators who were encountered during the targeted arrests. Three of those arrested also have convictions for other offenses, including felony identity theft and drunken driving. Six of the aliens were arrested in Omaha, 12 were arrested in Sioux City, and seven were arrested in South Sioux City.

Nationwide, many of the fugitives apprehended by the fugitive operations teams are individuals who have posed a threat to our nation's security and are a risk to public safety. Of the more than 52,000 illegal aliens apprehended by ICE fugitive operations teams since the first teams were created in 2003, roughly 22,669 had criminal convictions.

"Our Omaha-based fugitive operations team targets absconders who have ignored a deportation order issued by a federal immigration judge," said Jeffrey Lynch, assistant field office director for the ICE Detention and Removal Operations office in Omaha. "Our goal is to remove these fugitives from the United States, giving priority to those with criminal convictions."

Among the aliens arrested in Sioux City during this operation was Javier



Humberto Antonio-Miguel, 24, a citizen of Mexico. Antonio-Miguel was previously deported in July 2004 after being convicted of felony identity theft in Woodbury County, Iowa, for which he was sentenced to two years in prison. Antonio-Miguel is currently in ICE custody awaiting deportation.

This operation is part of the Secure Border Initiative (SBI), a Department of Homeland Security (DHS) comprehensive, multi-year plan to secure America's borders and reduce illegal immigration. SBI complements DHS' border security efforts by expanding its existing efforts to target immigration violators in this country, employers of illegal aliens, as well as many criminal networks who support these activities.

Fifty ICE Fugitive Operations teams are now operational in cities nationwide. By the end of fiscal year 2007, ICE intends to have 75 teams deployed throughout the country. The current Fugitive Operations teams collectively apprehend more than 1,000 illegal aliens per week.

The public is encouraged to report suspicious activity by calling ICE's toll-free hotline at 1-866-347-2423.

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## News Releases

December 12, 2006

### ICE arrests 45 fugitives and immigration violators in Albert Lea and Austin

BLOOMINGTON, Minn. - U.S. Immigration and Customs Enforcement (ICE) officers here arrested 45 immigration status violators in Albert Lea and Austin, Minn., during a four-day initiative called "Operation Return to Sender."

Return to Sender is an ongoing nationwide ICE initiative targeting aliens with final orders of removal who failed to leave the United States as ordered by a federal immigration judge. ICE's fugitive operations teams throughout the United States are specially trained and dedicated to arresting and removing these alien absconders.

Of the 45 individuals arrested, nine are fugitive aliens with final orders of deportation, and 36 are immigration violators who were encountered during the targeted arrests. Thirteen of those arrested also have convictions for other offenses. Twenty-four of the aliens were arrested in Albert Lea, and 21 were arrested in Austin. The operation began Tuesday and ended Friday, Dec. 8.

Among those arrested was Jorge Ponce-Garcia, 31, a citizen of Mexico, who illegally entered the United States in 1999. He was ordered deported by a federal immigration judge in October 2000, but failed to depart. ICE's Fugitive Operations Team arrested him Dec. 6 in Albert Lea. Ponce-Garcia has arrest records in California and Minnesota, and has criminal convictions for burglary, second-degree assault, providing false information to police, drunken driving, leaving the scene of an accident, and disorderly conduct.

"Our fugitive operations team targets absconders who have ignored deportation orders issued by federal immigration judges," said John Longshore, field office director for the ICE Office of Detention and Removal Operations in Bloomington, Minn. "Our goal is to remove these fugitives from the United States, giving priority to those with criminal convictions."

Nationwide, many of the fugitives apprehended by fugitive operations teams are individuals who

have posed a threat to our nation's security or are a risk to public safety. Of the more than 52,000 illegal aliens apprehended by ICE fugitive operations teams since the first teams were created in 2003, roughly 22,669 had criminal convictions.

This operation is part of the Secure Border Initiative (SBI), a multi-year plan by the Department of Homeland Security (DHS) plan to secure America's borders and reduce illegal immigration. SBI complements DHS' border security efforts by expanding its existing efforts to target immigration violators in this country, employers of illegal aliens, as well as many criminal networks who support these activities.

Fifty ICE Fugitive Operations teams are now operational in cities nationwide. By the end of fiscal year 2007, ICE intends to have 75 teams deployed throughout the country. The current Fugitive Operations teams collectively apprehend more than 1,000 illegal aliens a week.

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## News Releases

January 23, 2007

### **Week-long ICE operation targeting criminal aliens and illegal alien fugitives in the Southland nets record arrests** *Subjects include 2 foreign murder suspects and more than 150 immigration fugitives*

LOS ANGELES – More than 750 foreign nationals have been removed from the United States or are facing deportation following a massive week-long enforcement action by U.S. Immigration and Customs Enforcement (ICE) targeting criminal aliens and immigration fugitives in five Southland counties that concluded earlier today.

During the operation, ICE officers tracked down and arrested 338 immigration violators who were at large in Los Angeles (169), Orange (111), Riverside (26), San Bernardino (22), and Ventura (10) counties. More than 150 of those arrested were immigration fugitives, aliens who have ignored final orders of deportation issued by immigration judges. Another 24 of those encountered were aliens who had been previously deported and returned to the United States illegally.

The group also included two criminal fugitives from Mexico wanted for murdering a Sinaloa man in 2004 in a dispute over a fence. Rafael Lopez Obeso, 54, and his son, Rafael Obeso Melchor, 25, were taken into custody by ICE officers Friday at a residence in the desert community of Mecca. The men, who were arrested on immigration violations, were transported to the border Friday and turned over to representatives from the Mexican Attorney General's Office. Members of the U.S. Marshals Service Pacific Southwest Regional Fugitive Task Force assisted in the arrest.

As part of the operation, ICE officers also expanded their search for criminal aliens incarcerated in area jails, taking custody of 423 previously unidentified deportable foreign nationals who were scheduled for release from the county jails in Los Angeles, Orange, Riverside, San Bernardino, and Ventura counties.

The seven-day effort is the largest single enforcement action carried out nationwide so far under Operation Return to Sender, an ongoing ICE initiative targeting criminal aliens, foreign nationals

with final orders of deportation, and other immigration violators. Since its launch in June 2006, Operation Return to Sender has resulted in more than 13,000 arrests nationwide. During that same time period, ICE has also lodged nearly 3,000 immigration detainers against criminal aliens incarcerated in state and local jails across the country ensuring they will come into ICE custody when they complete their sentences.

“As part of our commitment to the Secure Border Initiative, ICE is dedicating unprecedented resources to identifying and arresting criminal aliens and immigration fugitives,” said Department of Homeland Security Assistant Secretary for ICE Julie L. Myers. “This country welcomes law abiding immigrants, but foreign nationals who flout our laws and commit crimes against our citizens should be on notice that there are consequences for their conduct.”

The United States Attorney’s Office is reviewing the cases of a number of the aliens arrested during the past week for possible prosecution for re-entry after deportation, a felony violation that carries a maximum sentence of 20 years in prison. Federal charges were filed last week against Erik Omar Galindo-Vasquez, a 28-year-old Mexican national with a prior conviction for assault with a deadly weapon who was previously deported from the United States in 2005.

“The goal of our enforcement efforts is two-fold. First, it’s about restoring integrity to our nation’s immigration system,” said Jim Hayes, the field office director for ICE detention and removal operations in Los Angeles. “Second, it’s about safeguarding our communities from those who brazenly disregard our laws and often prey upon other members of the immigrant community.”

This week’s operation was conducted by officers assigned to ICE’s four Los Angeles area fugitive operations teams. Those officers were aided by three additional fugitive operations teams brought in from ICE offices across the country. The Fugitive Operations Program was established in 2003 to eliminate the nation’s backlog of immigration fugitives. Today, there are 52 fugitive operations teams nationwide and ICE expects to expand that number to 75 by year’s end.

The majority of the aliens taken into custody during the last week are Mexican nationals, but the group also included immigration violators from 14 countries, including the Ukraine, India, Japan, Poland, and Trinidad. Since many of these individuals have already been through immigration proceedings, they are subject to immediate removal from the country. Of the 757 aliens arrested during the past week, more than 450 have already been returned to their native countries. The remaining aliens are in ICE custody awaiting a hearing before an immigration judge.

Operation Return to Sender is an integral part of the second phase of the Secure Border Initiative (SBI), a comprehensive multi-year plan launched by the Department of Homeland Security to secure America’s borders and reduce illegal migration. Under SBI, Homeland Security seeks to gain operational control of both the northern and southern borders, while re-engineering the detention and removal system to ensure that illegal aliens are removed from the country quickly and efficiently. The initiative also involves strong interior enforcement efforts, including enhanced worksite enforcement, and intensified efforts to track down and remove illegal aliens inside this country.

Last fiscal year, ICE removed more than 190,000 aliens from the United States, including more than



86,000 criminal aliens.

-- ICE --

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## News Releases

February 7, 2007

### **ICE Operation Return to Sender Yields 178 Arrests in South Florida** *Arrests part of the Department of Homeland Security's SBI initiative*

MIAMI- A U.S. Immigration and Customs Enforcement (ICE) operation dubbed "Return to Sender" yielded the arrest of 178 fugitives and immigration status violators during a weeklong detention and removal effort that culminated here Friday.

The arrests came as a result of targeted enforcement actions in Dade, Broward and Palm Beach counties. Those arrested represent 18 different nations. Some of those arrested have previous felony convictions for crimes including lewd and lascivious assault, domestic abuse, fraud, and grand theft.

"With every arrest we enhance public safety and restore integrity to our nation's immigration system," said Michael Rozos, field office director for ICE's Office of Detention and Removal in Florida. "Those who are in violation of U.S. immigration laws should not be surprised if they are arrested and deported."

Among those arrested was 33-year-old Hassan Abdulla Hussan Alihussein, of Jordan. Alihussein, who entered the country as a visitor, was ordered removed by an immigration judge on June 2, 2003. The Board of Immigration Appeals (BIA) subsequently upheld Alihussein's order on July 16, 2004. Alihussein has been on the run evading law enforcement since 2004.

During Alihussein's arrest, ICE deportation officers discovered a concealed, unregistered and loaded 9mm handgun. The handgun was subsequently seized and the case has been presented to the U.S. Attorney's Office in the Southern District of Florida for federal prosecution. If convicted, Alihussein would serve out his sentence in the U.S. prior to being deported.

Those arrested represent the following countries: El Salvador, Colombia, Venezuela, Peru, Honduras, Mexico, Guatemala, Argentina, Algeria, Haiti, Romania, Georgia, Albania, Ecuador, Chile, Brazil, Jordan and Panama.

Operation Return to Sender is an integral part of the Secure Border Initiative (SBI), a comprehensive multi-year plan launched by the Department of Homeland Security to secure America's borders and reduce illegal migration. Under SBI, Homeland Security seeks to gain operational control of both the northern and southern borders, while re-engineering the detention and removal system to ensure that illegal aliens are removed from the country quickly and efficiently. SBI also involves strong interior enforcement efforts, including enhanced worksite enforcement investigations and intensified efforts to track down and remove illegal aliens inside this country. Also as part of SBI, 424 illegal aliens were deported from Miami to their respective home countries in January 2007. Of those deported, 131 had criminal convictions.

Rozos thanked the Miami-Dade Police Department, the Broward Sheriff's Office, the Palm Beach Sheriff's Office and the Riviera Beach Police Department for their assistance during the operation.

-- ICE --

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## News Releases

March 1, 2007

### **New Jersey fugitive teams arrest 363 in two-month operation** ***Return to Sender enforces orders issued by immigration judges***

NEWARK, N.J. – U.S. Immigration and Customs Enforcement (ICE) officers deployed across New Jersey targeting dozens of known fugitive aliens in an intensive two-month operation that resulted in the arrest of 363 fugitives, criminals and illegal aliens. The enforcement action was part of operation Return to Sender, a nationwide ICE program that targets, locates and apprehends immigration fugitives. ICE has three fugitive operations teams in New Jersey.

During January ICE officers apprehended 89 fugitives and 131 other aliens illegally present in the United States. In February officers apprehended 67 fugitives and 76 others illegally present in the country.

Forty-eight of those arrested during the operation have criminal records including convictions for domestic violence, assault, unlawful possession of a weapon, distribution of a controlled dangerous substance, possession of a controlled dangerous substance, bank fraud, theft, possession of stolen property, alien smuggling, resisting arrest and eluding police.

“Our message is clear. ICE will use all of its resources to track down, arrest and remove individuals who believe they can defy immigration judges,” said Bartolome Rodriguez, acting field office director for ICE’s office of detention and removal in Newark. “People who choose to disobey a judge’s order are fugitives and ICE is mandated by Congress to enforce final orders of removal.”

Those arrested during the ICE operation come from 26 different countries, including Mexico, Ecuador, Malaysia, Guatemala, El Salvador, Egypt, Brazil, India, Slovenia, Costa Rica, Indonesia, Albania and Honduras.

Some of those arrested had been released on bond, while others had been freed on their own recognizance. The subjects became fugitives when they failed to appear for their immigration hearings, or when they failed to leave the United States as ordered.

The fugitives arrested will remain in ICE custody pending their final removal from the country. The

other individuals arrested have been placed in immigration removal proceedings.

The New Jersey operation is part of the nationwide interior immigration enforcement strategy announced last year by Homeland Security Secretary Michael Chertoff and ICE Assistant Secretary Julie L. Myers. A critical element of that strategy is to identify, locate and remove criminal aliens, fugitives, and other immigration violators from the United States.

Since the start of operation Return to Sender, fugitive teams around the nation have arrested 18,149 fugitives and illegal aliens.

The interior enforcement strategy is part of the Department of Homeland Security's broader Secure Border Initiative (SBI), a multi-year plan to secure America's borders and reduce illegal migration. Those efforts are focused on gaining operational control of the nation's borders through the deployment of additional personnel and technology, while re-engineering the detention and removal system to ensure that illegal aliens are quickly removed from the country.

-- ICE --

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